LIBRARY
SUPREME COURT, U. S.

Office-Supreme Court, U.S.
FILED
OCT 12 1965
JOHN F. DAVIS, CLERK

No. 662

IN THE

Supreme Court of the United States

OCTOBER TERM, 1965

AMERICAN TRUCKING ASSOCIATIONS, INC., AND NATIONAL TANK TRUCK CARRIERS, INC.,
Appellants,

v.

UNITED STATES OF AMERICA AND INTERSTATE COMMERCE COMMISSION,
Appellees.

On Appeal from the United States District Court for the District of Columbia

---

JURISDICTIONAL STATEMENT

PETER T. BEARDSLEY
HARRY J. JORDAN
WILLIAM R. RUBBERT
PAUL D. BORGHESANI
RICHARD R. SIGMON
1616 P Street, N. W.
Washington, D. C. 20036

HARRY C. AMES, JR.
Transportation Building
Suite 529
Washington, D. C. 20006

Attorneys for Appellants

WILSON - EPES PRINTING CO. - RE 7-6002 - WASHINGTON 1, D. C.

INDEX

	Page
Opinion Below	2
Jurisdiction	2
Statutes Involved	2
Questions Presented	3
Statement Of The Case	3
The Questions Are Substantial	5
Conclusion	22
Certificate of Service	23
Appendix A (Opinion and judgment of the district court in *American Trucking Associations, Inc., et al.* v. *United States of America and Interstate Commerce Commission,* Civil Action No. 1905-64, D.C., June 10, 1965, 242 F. Supp. 597)	25
Appendix B (Order of the Interstate Commerce Commission dated September 9, 1964, effective January 22, 1964, discontinuing the proceeding in Docket No. 33440, *Prevention of Rail-Highway Grade-Crossing Accidents Involving Railway Trains and Motor Vehicles*)	33
Appendix C (Statutes Involved)	34
Appendix D (Report of the Commission in *Prevention of Rail-Highway Grade-Crossing Accidents Involving Railway Trains and Motor Vehicles,* 322 I.C.C. 1)	Following 37

CITATIONS

Cases

American Trucking Associations, Inc. v. *United States,* 170 F. Supp. 38, 364 U.S. 1	2, 19
American Trucking Associations v. *United States,* 344 U.S. 298	18
Appliances and Systems to Promote Safety of Operation, 281 I.C.C. 744	16

	Page
Appliances and Systems to Promote Safety of Operation, 268 I.C.C. 547	12, 17
Atlantic C.L.R. Co. v. *Georgia*, 234 U.S. 280	9, 10
B & C Truck Leasing, Inc. v. *Interstate Commerce Commission*, 283 F. 2d 163	17
California v. *Southern Pac. Co.*, 264 U.S. 331	9
California v. *Zook*, 336 U.S. 725	10, 12
Cleveland, C.C. & St. L. R. Co. v. *Illinois*, 177 U.S. 514	9
Crutcher v. *Kentucky*, 141 U.S. 47	8
Denver & Rio Grande R. Co. v. *Denver*, 250 U.S. 241	9
Erb v. *Morasch*, 177 U.S. 589	9
Erie R. Co. v. *Board of Public Utilities Comm'rs*, 254 U.S. 394	9
Fairport, P. & E.R. Co. v. *Meridith*, 292 U.S. 589	13, 14, 15
Frozen Food Express Inc. v. *United States*, 351 U.S. 40	2
Interstate Commerce Commission v. *Interstate Auto Shippers, Inc.*, 214 F. Supp. 473	17
Interstate Commerce Commission v. *Teeter*, 228 F. Supp. 479	17
Interstate Commerce Commission v. *Weldon*, 90 F. Supp. 873	17
Lehigh Valley R. Co. v. *Board of Public Utilities Com'm'rs*, 278 U.S. 24	9
Missouri, Kansas & Texas Ry. Co. v. *Oklahoma*, 271 U.S. 303	9
National Broadcasting Corp. v. *United States*, 319 U.S. 190	18
New York, S. & W. R. Co. v. *United States*, 200 F. Supp. 860, 83 S. Ct. 614	19
Pennsylvania R. Co. Modification of Systems, 238 I.C.C. 337	16
Phelps Dodge Corp. v. *National Labor Relations Board*, 313 U.S. 177	18
Qualifications of Employees and Safety of Operation, 98 M.C.C. 741	6, 21

	Page
Southern Pac. Co. v. *Arizona*, 325 U.S. 761	10
Southern R. Co. v. *King*, 217 U.S. 524	9
Stone v. *Farmers' Loan & Trust Co. (Railroad Commission Cases)*, 116 U.S. 307	8
United States v. *Drum*, 368 U.S. 370	2
United States v. *Pennsylvania R. Co.*, 323 U.S. 612	18
Statutes	
Interstate Commerce Act, 49 U.S.C. 1 *et seq.*	
National Transportation Policy, preceding §§ 1, 301, 901, 1001	2, 3, 7
Section 1(10)	2
Section 1(21)	2, 3, 4, 7, 8, 12, 14, 15, 19
Section 12(1)	3
Section 26(b)	2, 3, 5, 7, 8, 12, 14, 15, 16, 17, 19
Section 204	4
Judicial Code, 28 U.S.C. 1 *et seq.*	
Section 1253	2
Section 1336	2
Section 2101(b)	2
Safety Appliance Acts, 45 U.S.C. 1 *et seq.*	13
Regulations	
49 C.F.R., Parts 190-198	11

IN THE

Supreme Court of the United States

OCTOBER TERM, 1965

No. ———

AMERICAN TRUCKING ASSOCIATIONS, INC., AND NATIONAL TANK TRUCK CARRIERS, INC.,
Appellants,

v.

UNITED STATES OF AMERICA AND INTERSTATE COMMERCE COMMISSION,
Appellees.

On Appeal from the United States District Court for the District of Columbia

---

JURISDICTIONAL STATEMENT

Appellants, American Trucking Associations, Inc., and National Tank Truck Carriers, Inc., appeal from the judgment of the United States District Court for the District of Columbia entered on June 15, 1965, dismissing their complaint to set aside the report and order of the Interstate Commerce Commission, and submit this statement to show that the Supreme Court of the United States